

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Dunn Allotment
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0148-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to issue the permit for the Dunn Allotment (#00612) and the Hungry Creek Allotment (#01808) and issue the permit to the current applicant for a five year term. The term of the permit will run from March 01, 2013 through December 31, 2017. No changes will be made to the permitted AUMs and the terms and conditions of the permit are as described below:

GR# 2502076

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Dunn #00612	58	Cattle	5/1	10/17	47	Active	152
Hungry Creek #01808	112	Cattle	5/1	10/15	43	Active	266

Dunn Allotment total active AUMs: 152 AUMs

Hungry Creek Allotment total active AUMs: 266 AUMs

Terms and Conditions:

Line 1: The Dunn allotment will be grazed in conjunction with the Hungry Creek Allotment (#01818). Variable numbers of livestock are permitted up to 170 head. Grazing on the Dunn Allotment will not exceed 57 days by 170 head of livestock between May 1 and October 16th.

Line 2: The Hungry Creek allotment will be grazed in conjunction with the Dunn Allotment (#00612). Variable numbers of livestock are permitted up to 170 head. Grazing on the Hungry Creek Allotment will not exceed 110 days by 170 head of livestock between May 1 and October 16th.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (MTC021)
GR# 2502076

July 24, 2013

Rorvik, John, Wes & Jeff
339 N. River Road
Nashua, MT 59248

Certified Mail No: 70113500000345173934
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Dunn Allotment (#00612) and the Hungry Creek Allotment (#01808) are located approximately 20 miles southeast of Fort Peck, Montana in McCone County. The Dunn Allotment consists of 718 acres of BLM administered lands containing 152 AUMs of authorized active use and 788 acres of private lands. The Hungry Creek Allotment consists of 1,489 acres of BLM administered lands containing 266 AUMs of authorized active use and 1,527 acres of private lands.

These allotments were assessed for and met Land Health Standards in 1998 and subsequent field visits and monitoring information have confirmed that the standards are being met.

John, Wes and Jeff Rorvik have submitted to the Miles City BLM Field Office a lease showing control of the base property associated with these allotments and all other required forms have been submitted and accepted by the Miles City Field Office.

In May 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0148-EA) to analyze the issuance of the grazing permit to John, Wes and Jeff Rorvik for the above mentioned allotments. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 1, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Dunn Allotment (#00612) and the Hungry Creek Allotment (#01808) to John, Wes and Jeff Rorvik. The permit will be issued from March 1, 2013 through December 31, 2017. The permit will be issued as follows:

GR# 2502076

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Dunn #00612	58	Cattle	5/01	10/17	47	Active	152
Hungry Creek #01808	112	Cattle	5/01	10/15	43	Active	266

Dunn Allotment total active AUMs: 152 AUMs

Hungry Creek Allotment total active AUMs: 266 AUMs

Terms and Conditions:

Line 1: The Dunn Allotment will be grazed in conjunction with the Hungry Creek Allotment (#01808). Variable numbers of livestock are permitted up to 170 head. Grazing on the Dunn Allotment will not exceed 57 days by 170 head of livestock between May 1st and October 16th.

Line 2: The Hungry Creek Allotment will be grazed in conjunction with the Dunn Allotment (#00612). Variable numbers of livestock are permitted up to 170 head. Grazing on the Hungry Creek Allotment will not exceed 110 days by 170 head of livestock between May 1st and October 16th.

The term of the permit will run from January 1, 2013 to December 31, 2017, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon the renewal of the base property lease through December 31, 2022.

RATIONALE

The issuance of the grazing permit is provided through a lease showing control of the base property for these allotments being submitted to the BLM. The lease contains the legal descriptions of the base property associated with these allotments.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0148-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 1, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that to John, Wes and Jeff Rorvik meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fence line locations and return the edited map to the office.

If you have any questions on this document, please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:7/16/13:Rorvik_Decision_Letter_AndersonK_2013